

1013422

Smyrna Landing Road

SMYRNA DE, 19977

Phone No. 302-663-9261

DISCIPLINARY REPORT

1WF 191

Disciplinary Type: Class1Housing Unit: Bldg. 18IR#: 1016317

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00315294	Brathwaite, Kevin C	DCC	Bldg.17 B Tier	10/09/2004	09:00

Violations: 1.02/200.201 Assault, 1.06/200.203 Disorderly or Threatening Behavior, 1.18/200.218 Possession of Dangerous Contraband, 2.03/200.106 Creating a Health, Safety or Fire Hazard, 2.06/200.108 Failing to Obey an Order, 2.13/200. Possession of Non-Dangerous Contraband, /200.110 Possession of Unauthorized Clothing

Witnesses: 1. Nkowpara, Edwin2. Philips, David3. Stevenson, Matt**Description of Alleged Violation(s)**

On Oct 9, 2004 At 0900 Hours Sgt Wallace And C/O Nkowpara Were Conducting A Strip Search Of I/M Brathwaite. I/M Brathwaite Was Ordered By Sgt Wallace To Completely Strip Down, To Which He Took Off His Shirt And Shorts But As He Got To His Underwear A Razor Fell Out Of What Appeared To Be A Pocket In The Front Of The Underwear. I/M Brathwaite Gave The Razor To Sgt Wallace And Sgt Wallace Ordered I/M Brathwaite To Take Off His Underwear. I/M Brathwaite Refused And Stated That He Wasn't Getting Naked For Sgt Wallace To Look At His Ass. Sgt Wallace Again Ordered I/M Brathwaite To Take Off His Underwear. I/M Again Refused. Sgt Wallace Then Ordered I/M Brathwaite To Get Dress That He Would Need To Go See The Area Lt About Refusing To Strip. I/M Brathwaite Then Charged The Cell Door And Put His Arm In It So That C/O Nkowpara And Sgt Wallace Could Not Close It. As Sgt Wallace Tried To Push I/M Brathwaite's Arm Back Into The Cell, Then I/M Brathwaite Draw Back His Fist And Then Throw A Punch At Sgt Wallace. Sgt Wallace Then Sprayed I/M Brathwaite With Pepper Foam. I/M Brathwaite Then Backed Away From The Door And Was Secure. Back-Up Was Called, While Waiting For The Back-Up I/M Brathwaite Took Something Out Of The Pocket In The Underwear And Put It In His Mouth And Appeared To Swallow It. When Back-Up Arrived I/M Brathwaite Stated He Would Come Out And Not Give Anymore Problems. The Cell Door Was Then Opened And Sgt Philips Started To Handcuff I/M Brathwaite. As Sgt Phillips Placed The First Cuff On I/M Brathwaite And He Turned In An Attempt To Strike Sgt Philips. I/M Brathwaite Was Taken To The Floor Where He Was Handcuffed And Shackled. I/M Brathwaite Was Then Taken To Shu 20 And Secured In A Cage By Sgt Philips And Sgt Stevenson. Lt Yoder Was Notified Of The Incident Details. Sgt Wallace Returned To Bldg 17 And Completed The Shakedown. During The Shakedown The Underwear I/M Brathwaite Had On Were Checked And Found To Have A Pocket In The Front. No Other Contraband Was Found.

Reporting Officer: Wallace, Robert J (CO Corporal/Sgt. - Large Inst.)**Immediate Action Taken**Immediate action taken by: Wallace, Robert J -CO Corporal/Sgt. - Large Inst.

Inmate Pepper Foamed, Back-Up Called, Contraband Secured, Area Lt Notified Of Incident And Accomplished All Appropriate Paperwork

Offender Disposition DetailsDisposition: N/ADate: N/ATime: N/ACell secured? NoReason: N/A

Disposition Of Evidence: Secured By Sgt Wallace Bagged And 537 Completed And All Forwarded To The Shift Commander

Approval InformationApproved: Disapproved: Approved By: Reynolds, Kirk (Shift Commander - Large Inst.)

Comments: Inmate Was Seen By Medical Then Placed In Shu Isolation.

Shift Supervisor DetailsDate Received: 10-9-04 Time: 1500Received From: Lt Yoder**Shift Supervisor Determination:**

Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges (see reverse side) for _____ hours not to exceed 24 hours)

Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing.

5hr 7/23/04

Reynolds, Kirk (Shift Commander - Large Inst.)

WMS/10-11 SH